



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,097	02/18/2004	Jason Mathew Banowetz	9599-59US	3369
570	7590	09/26/2005	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,097

Applicant(s)

BANOWETZ ET AL.

Examiner

Alicia M. Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 6 is objected to because of the following informalities: there is lack of antecedent basis for "the connectors". Appropriate correction is required.

Claims 7 and 8 are objected to because of the following informalities: there is lack of antecedent basis for "the threaded retainers". Appropriate correction is required.

Claim 9 is objected to because of the following informalities: there is lack of antecedent basis for "the protrusion". Appropriate correction is required.

Claims 6-10 are objected to because of the following informalities: it appears they are not meant to depend from claim 1. Appropriate correction is required.

Claim 14 is objected to because of the following informalities: there is lack of antecedent basis for "the inlet". Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin 3,618,157 in view of Gensert et al. 6,250,693.

Bassin discloses an apparatus for processing lawn and garden organic debris comprising:

- A fan housing (10) with a wall opening (21)

Art Unit: 3671

- A hose (34) having a nozzle and a circular flange (36) being releasably positionable on the opening (21).

However, Bassin fails to disclose a semi-circular retainer plate surrounding a portion of the opening and coupled to and spaced from the wall to define a slot.

Gensert discloses a tubular coupling including a semi-circular retainer plate (4) surrounding a portion of an opening (at 1) and coupled to and spaced from the wall (1a) to define a slot (see Figure 1) through which the flange (2a) is positionable.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the retainer of Gensert on the device of Bassin in order to releasably secure the tube to the housing.

4. Claims 1-3, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin in view of Marsden 6,179,344.

Bassin discloses an apparatus for processing lawn and garden organic debris comprising:

- A fan housing (10) with a wall opening (21)
- A hose (34) having a nozzle and a circular flange (36) being releasably positionable on the opening (21).

However, Bassin fails to disclose a semi-circular retainer plate surrounding a portion of the opening and coupled to and spaced from the wall to define a slot;

connectors and protrusions extending outwardly from the wall circumscribing a perimeter;

the retainer plate is coupled to the wall by the connectors, as per claim 2;

the flange is rotatable with respect to the fan housing, as per claim 3;

Art Unit: 3671

the connectors are threaded studs and retainers, as per claims 6-9;
a third connector intermediate the first and second and positioned opposite a protrusion,
as per claim 10.

Marsden discloses a coupling device including a retainer plate (42-44) surrounding a portion of an opening and coupled to and spaced from the wall (at 26) to define a slot (see Figure 4A) through which a flange is positionable;

connectors and protrusions (unnumbered, see Figures 4A and B) extending outwardly from the wall (at 26) circumscribing a perimeter;

the retainer plate (44) is coupled to the wall (at 26) by the connectors, as per claim 2;

the flange (11) is rotatable with respect to the fan housing, as per claim 3;

the connectors are threaded studs and retainers, as per claims 6-9;

a third connector intermediate the first and second and positioned opposite a protrusion,
as per claim 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the retainer of Marsden on the device of Bassin in order to easily couple a hose to a housing.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin and Gensert as applied to claim 1 above, and further in view of Thorud et al. 3,750,378.

The device is disclosed as applied to claim 1 above. However, the combination fails to disclose a safety switch that is actuated when the flange is in the slot to allow the apparatus to be operational.

Thorud discloses a similar device with a discharge including a safety switch (38) which activates when a flange is in place to allow for operation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the safety switch of Thorud on the device of Bassin and Gensert in order to prevent injury to an operator.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin and Gensert as applied to claim 1 above, and further in view of Lykken et al. 2,362,142.

The device is disclosed as applied above. However, the combination fails to disclose a fan assembly mounted in the fan housing having a fan impeller with fan blades;

The fan blades have a base and tip portion;

The base portion extends radially from an axis of rotation;

The tip portion are at an angle of 50-80 degrees relative to the base portion, in a direction opposite the direction of rotation of the fan.

Lykken discloses a processor fan having a fan impeller (27A) with fan blades (66);

The fan blades have a base (61) and tip (62) portion;

The base portion (61) extends radially from an axis of rotation (18A);

The tip portions (62) are at an angle of 50-80 degrees relative to the base portions (61), in a direction opposite the direction of rotation of the fan.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the fan of Lykken on the device of Bassin and Gensert in order to provide improved processing results.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin and Gensert as applied to claim 1 above, and further in view of Green 4,477,029.

The device is disclosed as applied above. However, the combination fails to disclose a fan assembly mounted in the housing having an impeller and blades;

Shredding blades connected to and projecting forwardly from the impeller toward the inlet;

The shredding blades have a tip portion having two intersecting angled edges.

Green discloses a similar processing device including a fan (28) and shredding blades (34) connected to and projecting from the impeller toward the inlet;

The shredding blades have tip portions (31) each with two intersecting angled edges.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the shredding blades of Green on the device of Bassin and Gensert in order to shred material.

Conclusion

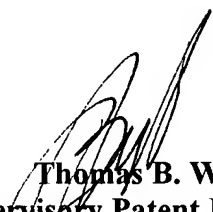
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wrenshall, Blakeley and Mezei et al. have been cited as of interest.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Art Unit: 3671

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
September 21, 2005